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Author post-print (accepted) deposited by Coventry University's Repository

Original citation & hyperlink:

Berlan, A 2016, 'Whose Business is it Anyway: Children and Corporate Social Responsibility in the International Business Agenda' *Children & Society*, vol 30, no. 2, pp. 159–168

<https://dx.doi.org/10.1111/chso.12149>

DOI 10.1111/chso.12149

ISSN 0951-0605

ESSN 1099-0860

Publisher: Wiley

This is the peer reviewed version of the following article: Berlan, A 2016, 'Whose Business is it Anyway: Children and Corporate Social Responsibility in the International Business Agenda' *Children & Society*, vol 30, no. 2, pp. 159–168, which has been published in final form at <https://dx.doi.org/10.1111/chso.12149>. This article may be used for non-commercial purposes in accordance with Wiley Terms and Conditions for Self-Archiving.

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Whose Business is it anyway:

Children and Corporate Social Responsibility in the International Business Agenda

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Children's rights in business have become a controversial topic in the public arena where cases of child labour in the supply chain tend to dominate discussions. This review takes a wider perspective on children as producers, consumers, stakeholders and generally agents in, rather than passive recipients of, business processes. It eschews questions surrounding the ethics of the international business agenda as regards children in order to focus on the child's right to expression and to be heard. This, it is argued, is a much more neglected debate which, if better understood and more widely acted upon, would drive forward policy action as regards children's rights in business.

Children and business: a moral view

Discussions of children's rights and Corporate Social Responsibility (CSR) tend to centre on sensationalist, media-driven cases, typically in sectors such as clothing, and involve multinational corporations (MNCs) rather than small or medium-sized enterprises (SMEs). Will companies such as Primark ever shed their perceived reliance on sweatshops? Are Nike footballs from Pakistan now free of child labour? Will Nestle ever be forgiven for its baby milk campaign? Such examples abound and have come to dominate Western ideas about business and children's rights. The threshold of tolerance for such practices is especially low when they bring together children as producers and consumers. De Neve, Luetchford and Pratt (2008) give the example of children in Delhi embroidering toddler clothes for Gap in very poor conditions. In spite of the garments not being defective in a practical sense, Gap's response to *The Observer's* report on this was to "withdraw tens of thousands of items from the market" and "prevent the product from ever being sold in our stores" (McDougall, 2007, cited in De Neve, Luetchford and Pratt 2008: 10). Consumers were urged in the news article to ask themselves: "Is this top stained with a child's sweat?" (*ibid.*), a question which De Neve, Luetchford and Pratt argue indicates that

"the commodity is a sign value for a morality and a relationship that has to be restored, but also that immorality can be contained and transferred in the physical "stains" of unacceptable labour conditions. The consumer is directly affected, both morally and physically. Why, otherwise, would these garments have to be removed from our shops?" (*ibid.*)

Such language has strong historical antecedents in the eighteenth and nineteenth century campaigns against the transatlantic slave trade. In one of his poems on the slave trade written in 1794, the Romantic poet Robert Southey spoke of tea as "the blood-sweetened beverage". The anti-slave trade campaigner Elizabeth Heyrick promised "clean hands" in the 1820s as a result of boycotting West Indian goods (cited in Huzzey 2012: 117). Labour abuses in the

supply chain being ‘polluting’ have been discussed elsewhere (De Neve, Luetchford and Pratt, 2008; Berlan 2012). Therefore, they are not the main focus here, save to illustrate that the expectation of business being socially responsible (especially if children are involved) is deeply bound up with moralist precepts in the minds of consumers, and this is now a well-established mindset.

Redefining the boundaries involving children’s rights and business

Debates about the ethics of child labour and other issues relating to children’s rights in business, all of which share a well-justified – if perhaps sometimes utopian – abolitionist agenda, are eschewed here in order to focus on the child’s right to expression and to be heard under Article 12 of the UN Convention on the Rights of the Child. This is a much more neglected topic, and one which it is argued requires urgent consideration in order to promote children’s rights in the business arena. A starting point for this is recognising that the conceptualisation of children in business needs to be enlarged beyond their participation in the supply chain and/or other negative practices. The UN Committee on the Rights of the Child states that children are

“rights-holders and stakeholders in business as consumers, legally engaged employees, future employees and business leaders and members of communities and environments in which business operates.” (2013: 3)

This is a useful basis for thinking beyond the current dominant paradigms and starting to explore the roles of children and different stakeholders in business. How do children experience business in their communities? How are their expectations of business shaped? Can we recognise them as rights-holders and stakeholders even when their rights are *not* being breached? Encouragingly, there is evidence that children’s rights in business are increasingly being seen in broader terms. UNICEF, Save the Children, and The Global Compact provide an ambitious and wide-ranging list of what *all* business should do in ‘*Children’s Rights and Business Principles*’ (2012), setting out how business can support children’s rights. These policies have a broad remit including helping to protect children affected by emergencies, respecting and supporting children’s rights in security arrangements and reinforcing community and government efforts to protect and fulfil children’s rights. These prescriptions are ambitious not only because they cover a broad range of issues but also because, as argued by Collins, “such a rights-based approach is not an easy adjustment for most businesses to grasp, much less [to] operationalise” (2014: 596). Whether business can really assume all these roles is questionable; Collins goes on to cite an academic who says that for businesses adopting child-friendly policies:

“was a real learning curve, and to be fair, their bread and butter isn’t looking at the intricacies of the legal framework around children’s rights or human rights. Their bread and butter is making money, selling chocolate, or selling other products, doing that kind of thing.”(*ibid.*)

However, whether business can assume a wider role in promoting child welfare could be considered a redundant question because there is already considerable evidence that

businesses are taking a wider view than ever before of their obligations towards children. Furthermore, there is evidence that such CSR programmes are operating independently of self-interest. For example, Air France launched a campaign in 2006 to combat sex tourism involving children, a campaign unlikely to have elicited direct benefits for them. The campaign involved working in collaboration with ECPAT¹ to produce a film screened on board long-haul Air France flights from 2006 and posters and brochures disseminated in ticket offices and airport counters. The film highlighted the laws against child sexual exploitation and gave examples of legal penalties. In the words of Rémi Babinet, the President and Creative Director of BETC EURO RSCG (Air France's advertising agency which developed the campaign):

"The aim is to impress, and to make people aware of the many types of punishment imposed both in the country where the crime is committed and the country of origin of the traveller (...) The punishment seems totally evident and categoric through the comparison between the age of the victims and the years of prison to which individuals were sentenced when caught in the act or denounced"²³

Companies such as Lego⁴ or Ikea⁵ claim to have enthusiastically espoused the UN's 'Children's Rights and Business Principles' framework, IKEA even declaring "At IKEA we say children are the most important people in the world." (Ibid.)

However, while these developments may appear positive, it is necessary to question them more deeply. Business has shown it can assume a greater role in promoting children's rights through their policies, though it is also necessary to question whether these practices are sustainable and ultimately desirable. There is a fine line between businesses providing services and promoting children's rights, and them being seen as seeking new profit-making avenues or seen as simply doing PR. This perception is linked to a profound aversion for private sector involvement in certain areas. As argued by Pota (2015)

"An ideological distaste for the private sector means that even where business could help philanthropically, it is rarely approached for help."

But who could – or should - decide where the business 'mandate' to promote children's rights begins and ends? For example, should any company be allowed to run health education campaigns for children? What if this company was Nestle? And would it be appropriate for a fast-food company to help children affected by emergencies or for them to sponsor a school?

¹ ECPAT originally stood for End Child Prostitution in Asian Tourism but now campaigns against children sexually exploited in pornography and trafficking all over the world. <http://www.ecpat.net/>

² <http://mobile-corporate.airfrance.com/fr/presse/communiques-mobile/communiques/item/new-campaign-laquocombating-sex-tourism-involving-childrenraquo/> [Accessed 28.10.15]

³ Other examples can be found at http://childrenandbusiness.org/wp-content/uploads/2013/02/Business-Practice_August-2015.pdf [Accessed 02.11.15]

⁴ <http://www.lego.com/en-gb/aboutus/news-room/2015/march/partnering-to-support-childrens-rights-and-development> [Accessed 02.11.15]

⁵ <http://www.theguardian.com/sustainable-business/ikea-childrens-rights-beyond-supply-chain> [Accessed 02.11.15]

Such initiatives have attracted considerable criticism in the past.⁶ The premise on which the ‘Children’s Rights and Business Principles’ policy is based is laudable but its execution raises difficult practical issues and invites particular moral judgements.

For some commentators, however, business involvement is imperative. Pota (2015) argues

“The new sustainable development goals (SDGs), which will replace the MDGs at the end of this year, address this issue of standards, calling for “inclusive and quality education for all” by 2030. But these will remain empty conference room sentiments if the \$16bn (£10.5bn) per year required to achieve good quality universal education throughout the world is not met.

However well-intentioned, governments in the developing world cannot raise the sums needed to provide high-quality education on their own. If they could, they would have done so decades ago. Education spending must be balanced against budgets for other essential infrastructures such as hospitals, roads and sanitation. (...) Though NGOs do vital work, only the private sector can provide the scale of investment necessary, unencumbered by political and bureaucratic obstacles.”

Whether the ends justify the means is outside the scope of the present discussion. As previously outlined, the present review is not about ethics. It does not deliberate the rights and wrongs of particular cases, or even aim to make a case for or against business. The evidence presented here shows that businesses do act on children’s rights, and that there is growing recognition that children are important to business. As such, children have risen up the business agenda. However, as is the case with so many issues in the complex world in which we live, there are no simple solutions to these challenges. More controversially, this review questions whether business’ increased commitment to children’s rights is perhaps another trend, like the moralistic anti-child labour, anti-MNC discourses, which evolve independently of the children themselves. Indeed, one of the areas where moralistic paradigms have prevailed and where businesses have not grasped, and much less operationalised, their responsibilities towards children is the child’s right to freedom of expression and to be heard. One of the drawbacks of this is that it can undermine policymaking, as will now be discussed.

International business and why the child right to freedom of expression matters

Article 12 of the UN Convention on the Rights of the Child states:

“States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

⁶ For example, the biggest union for Head Teachers came under fire when their 2005 *Taking Charge of Learning* conference was sponsored by fast-food giants McDonald’s. See <http://www.theguardian.com/media/2005/oct/01/marketingandpr.schools> [Accessed 05.11.15]

For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law”⁷

The failure of business to engage with the child’s right to expression and to be heard is well-illustrated in the case of the chocolate industry. Allegations of child and slave labour in West African cocoa production started to emerge in 2000 and 2001. This represented a serious challenge for the global chocolate industry which at the time relied on West Africa for around 70% of its supply. The media presented harrowing and highly emotive stories of child labour or child slavery in cocoa production,⁸ giving accounts reminiscent of the transatlantic slave trade. *The Guardian* article “Aboard the slave ship of despair: traffickers buying up the young in West Africa” stated:

“No one knows how many children die as they are shipped to the cocoa plantations of West Africa. What is known are the appalling conditions on many of the boats. Those who have lived to tell of such things say they were left with a tiny amount of food and only filthy drinking water for a journey that lasts days.” (16.04.15)⁹

Media reports on child exploitation in cocoa are ongoing. “Is your chocolate bar worth a child's life?”¹⁰ asked *The Daily Mail* in 2014; more recently *The Guardian* asserted “Child labour on Nestlé farms: chocolate giant's problems continue” (2015).¹¹

Reassuringly for the consumer, some of the early and most alarming claims were found to be unfounded. For example, initial reports from 2000 that 90 percent of cocoa farms in the Ivory Coast relied on child slavery were subsequently revised to less than 2 percent (Blowfield 2003). However, following the initial allegations, the chocolate industry was compelled to act and the first task was to determine the true extent of the labour abuses. Therefore, the International Institute of Tropical Agriculture (IITA), under the auspices of the US Agency for International Development (USAID), the US Department of Labor (USDOL) and the International Labour Organisation (ILO), was commissioned in 2001 to determine the extent of child labour and slavery on cocoa farms in Ghana, Cameroon, the Ivory Coast and Nigeria. In the case of Ghana, findings were compiled on the basis of interviews with heads of households only; no children were interviewed (Berlan 2004). Overall, the findings of this study were confusing and not conclusive. The report stated:

“The quantitative surveys revealed that the recruitment and employment of both children and adults from outside the family as permanent salaried workers was

⁷ Full text available at http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC_PRESS200910web.pdf accessed 28.10.15

⁸ Other examples and a more comprehensive discussion of these media accounts is provided in Berlan (2009)

⁹ <http://www.theguardian.com/world/2001/apr/16/chrismcgrear> accessed 28.10.15

¹⁰ <http://www.dailymail.co.uk/news/article-2569091/Is-chocolate-bar-worth-childs-life-Documentary-lays-bare-child-slavery-West-Africas-cocoa-plantations-free-them.html> accessed 28.10.15

¹¹ <http://www.theguardian.com/global-development-professionals-network/2015/sep/02/child-labour-on-nestle-farms-chocolate-giants-problems-continue> accessed 29.10.15

relatively uncommon. In [Côte d'Ivoire], an estimated 0.94% of farmers indicated that they employed children as permanent full-time workers, while in Ondo State, Nigeria, an estimated 1.1% of farmers reported doing so. In Ghana and Cameroon, none of the farmers questioned reported employing children as salaried workers. An estimated 5,120 children were employed as full-time permanent workers in [Côte d'Ivoire] (versus 61,600 adults), while in Ondo State, Nigeria, 1,220 children (versus 11,800 adults) were full-time permanent workers. In [Côte d'Ivoire], an estimated 4,630 farmers were employing salaried child workers.” (IITA 2002: 12)

The allegations also set in motion another trail of policy initiatives, the most significant of which was the Harkin-Engel Protocol, which was signed in September 2001.¹² This international agreement aimed to end the worst forms of child labour (as defined by ILO Convention 182) and forced labour (as defined by ILO Convention 29) in cocoa production. Its signatories included the *World Cocoa Foundation*, the *Chocolate Manufacturers' Association*, US Congressmen and Senators, a representative from the Ivorian embassy, the ILO, the *International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association*, *Free the Slaves*, the *US National Consumer League*, the *Child Labor Coalition* and a number of chocolate companies, all of which committed, or witnessed the commitment to, eradicating the worst forms of child labour and forced labour in cocoa.

While *Free the Slaves* and the *Child Labor Coalition* could be argued to have ‘represented’ child labourers and/or child slaves in West African cocoa production, it should also be noted that they are US-based organisations with a global remit, and not exclusively focused on West Africa. At that stage, they were just as ignorant of labour conditions in this context as the other stakeholders. In the words of Kevin Bales, one of the founders and then president of *Free the Slaves*:

“Today we still do not know the truth, not even a rough guess as to the actual extent of slave labour in cocoa (...) as of 2007, we are just feeling around in the dark.” (2007: 193)

It is clear that the child right to expression was entirely overlooked in this process, something which is highly problematic; a more child-inclusive, context-based approach would have helped to uncover some of the root causes of child labour in cocoa and enabled more effective policymaking. According to Berlan (2004) the best interests of children in cocoa communities were not served by consumers campaigning for them to be removed from farms and placed in school because many local schools lacked teachers and resources and many

¹² The Harkin-Engel Protocol was set up by Senator Tom Harkin and Congressman Eliot Engel. Tom Harkin had previously put forward the Harkin Bill, often referred to as the Child Labor Deterrence Act, which prohibited the import of goods produced using child labour into the US. This bill is said to have pushed thousands of children in Bangladesh (who were previously working in the garment industry) into more acute poverty and more dangerous activities because it overlooked the context of their employment. As stated by Rahman, Khanam and Absar: “Harkin's Bill concentrates on prohibition, rather than on regulation, and fails to take into account the situation of acute poverty that forces children to enter the labor force (1999: 986).

children attended school for years but remained illiterate. The research also found that school attendance resulted in them enduring corporal punishment and exacerbated levels of malnutrition. Therefore, the children would have benefited more from campaigns for school feeding programmes, teacher training, and more school resources. As stated by Pota (2015)

“In sub-Saharan Africa, for example, the proportion of children enrolled in primary school has risen from 52% in 1990 to 80% this year. However, in the dash to get children into the classroom, there was too little focus on the quality of the education once they were there. UNESCO estimates that of the world’s 650 million primary school children, at least 250 million lack even basic literacy and numeracy skills.”

Irrespective of issues around the effectiveness of policymaking and campaigning, the case raises the question of *why* children involved in cocoa production were not consulted. The answer to this question may be found in the oft-discussed Childhood Studies literature on the Western construction of childhood and its imposition on the rest of the world. This construction assumes the child to be both a passive recipient of adult power and needing adult protection, a position which effectively stifles the idea of the child as having any kind of agency or capacity for self-determination. In the face of enormous media and consumer pressure, children involved in cocoa production in West Africa were deemed to be so broken and powerless that the immediate priority had to be identifying and removing them, rather than listening to them. Even without having any firm information on the exact nature of labour abuses, hundreds of organisations and individuals in Europe and North America took up the cause of these children and became their *de facto* representatives by lobbying the chocolate companies to improve child welfare on cocoa farms and sell ‘ethical’ chocolate (Berlan 2012). As stated by Thery: “Post-modern paternalism no longer says “Shut up kids, I know what is good for you’ but prefers to say ‘Speak up kids, I am your voice’” (quoted in Ennew 2000: 7).

Policy developments on business and the child’s right to expression

Since concerns about child exploitation in cocoa emerged, policies regarding the child’s right to expression in the context of international business have been developed further. The UN Committee on the Rights of the Child agreed in 2009 that

“116. Children working at younger ages than permitted by laws and International Labour Organization Conventions Nos. 138 (1973) and 182 (1999) have to be heard in child-sensitive settings in order to understand their views of the situation and their best interests. They should be included in the search for a solution, which respects the economic and socio-structural constraints as well as the cultural context under which these children work. Children should also be heard when policies are developed to eliminate the root causes of child labour, in particular regarding education.

117. Working children have a right to be protected by law against exploitation and should be heard when worksites and conditions of work are examined by inspectors investigating the implementation of labour laws. Children and, if existing,

representatives of working children's associations should also be heard when labour laws are drafted or when the enforcement of laws is considered and evaluated.”(p.26)¹³

Most recently, the UN Committee on the Rights of the Child made these stipulations even more specific in relation to business, stating that:

“D. The right of the child to be heard (art. 12)

1. (...) Governmental bodies, such as education and labour inspectorates, concerned with regulating and monitoring the activities and operations of business enterprises should ensure that they take into account the views of affected children. States should also hear children when child-rights impact assessments of proposed business-related policy, legislation, regulations, budget or other administrative decisions are undertaken.

2. Children have a specific right “to be heard in any judicial and administrative proceedings affecting the child” (art. 12, para. 3, of the Convention). This includes judicial proceedings and mechanisms of conciliation and arbitration that concern abuses of children's rights caused or contributed to by business enterprises. As set out in general comment No. 12, children should be allowed to voluntarily participate in such proceedings and be provided the opportunity to be heard directly or indirectly through the assistance of a representative or appropriate body that has sufficient knowledge and understanding of the various aspects of the decision-making process as well as experience in working with children.” (p.7)¹⁴

These changes offer hope that the child's right to expression and to be heard is gaining weight in the international business context. As previously stated, this is more than just a right in an abstract sense; it also enables more effective policymaking. Debates need to shift away from moralistic discourses emphasising the responsibility of business or its perceived greed in favour of more evidence-based paradigms, and the child's right to expression and to being heard is central to this. Policymaking can only be truly effective when children can share their lives, motivations and socio-cultural contexts, and when the reality of their lives becomes a part of policy formulation. Otherwise, moralistic discourses will continue to prevail over these debates and ultimately this will not serve the children's rights agenda effectively.

Emphasising the child's right to expression over business responsibility towards children is not a way of letting businesses ‘off the hook’. The onus is still on businesses – and consumers – to take action but to do so based on the children's views and the reality of their lives. As previously explained, in the case of children in cocoa production in Ghana, their interests

¹³ Taken from the *General Comment No.12 (2009) The Right of the Child to be heard* of the Committee on the Rights of the Child, Fifty-first session, Geneva, 25 May-12 June 2009. Full text available at <http://www.refworld.org/docid/4ae562c52.html> accessed 28.10.15

¹⁴ General comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, Geneva

were not best served by calls to remove them from farms and place them in school. This observation is not meant to undermine the valuable campaigning work being carried out by consumers, either individually or through established organisations. It is clear that without consumer pressure – not just in the last few years but going back as far as the transatlantic slave trade – both children’s rights and labour rights more generally would be considerably poorer across a wide range of sectors. Looking forward, the need for consumer pressure is increasingly seen as vital to sustainability more broadly. In the case of palm oil for example, there is widespread recognition of the fact that current demand and production are unsustainable. However, there is also increasing recognition that business practices will not change in the absence of consumer pressure in large key markets such as India, where the lack of sustainability is not recognised as a problem.¹⁵ Therefore, consumer pressure is good and necessary, but it has to be well-informed.

Challenges to the child’s right to expression

The barriers to a child’s right to expression being actualised are not exclusively linked to a lack of recognition on the part of business or of consumers. It is also difficult to operationalise because so many children are ‘hidden’ or because the definition of business can itself be patchy.

The notion of children being ‘hidden’ is linked to their place in the informal economy, which is a hindrance to effective policymaking in international business in numerous ways. While children may be working illegally in factories, they still have greater visibility and traceability than the large – and growing – number of children making a living on the street by hawking food, drinks or other products, or acting as porters or runners. As stated by UNICEF:

“Almost by definition, the informal sector is unregulated: whatever labour laws and regulations apply in the formal economy, such as factories and the civil service, are not observed and little attempt is made to enforce them. This applies both to laws governing a minimum age for employment and those covering health and safety at work. The millions of children living and working on the streets around the world come into this category, as do many apprentices sewing and hammering away in small workshops (UNICEF 2005: 23)

In addition to this, homeworkers make up a sizeable proportion of working children. This category includes children loosely working by being involved in a family business outside school. However, it can also include children involved via their families on a sub-contracted basis to weave, stitch, or roll thin cigarettes filled with tobacco flake (*‘beedi’*) for example. These ‘grey’ areas where children are not documented as working, where the degree of employment cannot be clearly ascertained, or where there is a degree of subjectivity in determining their involvement in ‘business’, make it very difficult to categorise these

¹⁵ <http://www.theguardian.com/sustainable-business/2015/aug/10/india-palm-oil-sustainability-deforestation-unilever-greenpeace> accessed 05.11.15

children constructively and listen to them. As a result, they are extremely difficult to integrate into policymaking.

Grey economies are not exclusive to developing countries. What to make, for example, of the US child beauty pageant industry? The children involved are participants in a multi-million dollar industry where even toddlers step out in front of photographers and other complete strangers adorned with hair extensions, make-up, fake eye lashes, fake teeth, spray tan and wearing heels, tiaras and skin tight clothing. In such industries, can there be constructive debates around business and CSR? What is freedom of expression when a child's entire sense of worth and identity has been conditioned by an industry which is essentially unregulated but has been unconditionally endorsed by their parents?

Conclusion

This review has examined the business and children's rights relationship. It has argued that the current prevalent moralistic paradigms ignore key areas of vulnerability and do not promote a balanced view of children's rights in the business context. This review has gone beyond the usual questions of supply chain ethics to focus on the need for adults to change their epistemological stance from being judges to being audiences, as well as on the need to reconceptualise the child as a protagonist in the world of business. The obligations of business towards children are currently being reshaped. However, this is a paradoxical process: while expectations of business are high, and growing ever more complex, there is a reluctance to involve business because of a lack of trust fuelled by repeated examples of poor practices involving children. Therefore, business has to tread carefully in order to show itself to be proactively working towards children's rights while not gaining explicitly from it. Genuinely listening to children would be a valuable step in meeting the goal of improving children's rights. However, whether business has the capacity or drive for this kind of engagement, or even whether governments or other institutions can successfully work with business to achieve this, remains to be seen.

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